



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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MAY 16 1974

OFFICE OF
ENFORCEMENT AND GENERAL COUNSEL

MEMORANDUM:

TO: Richard O'Connell, Director, Enforcement Division, Region IX

FROM: Deputy Assistant Administrator for Water Enforcement

SUBJECT: Approval of Hawaii's Permit Program

It's my understanding that the State of Hawaii either has or is in the advanced stages of preparing all authorities and materials necessary for NPDES approval of its permit program. I also understand that serious doubts have been raised as to the adequacy of Hawaii's resources, manpower, and efficiency.

As you know, our resource requirements tend to be related to the size of the task to be done. States with fewer point sources can get by on less resources. Similarly, we can be less demanding where we have issued, or expect to have issued by time of approval, all major and significant permits. In such cases we can approve a state's program where the Governor will commit to obtain any additional resources necessary to maintain an ongoing permit issuance, monitoring, and enforcement program.

As an approvable program and one which applied for and received interim permit issuance authority, Hawaii merits our support and a chance to run its own permit program. In similar situations we have sent teams consisting of headquarters and regional enforcement personnel to state capitols for face-to-face meetings with key state officials. We have found that this sort of contact tends to identify and focus problems, facilitates solutions, and generally stimulates momentum for approval. If Hawaii is willing, I will make a member of my staff available, notwithstanding travel costs, for two to three days of meetings in Hawaii. I request that you would attend such a meeting or send along one or more members of your staff. The purposes of the trip would be as follows:

1. Confirm tentatively the adequacy of Hawaii's statutes, regulations, and Attorney General's statement for meeting section 402(b) requirements.

2. Review, modify, negotiate, and tentatively finalize all remaining program documents, including the program description and region-state agreement.

3. Identify further documentations, if any, necessary to meet the requirements of a complete submission.

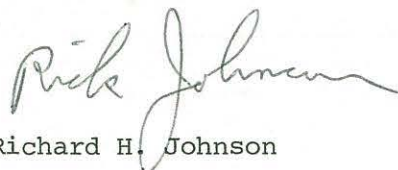
4. Assess the adequacy of Hawaii's resources and the efficiency of their procedures and organization.

5. Discuss with state officials means by which the state can strengthen and improve its operations, including commitments to obtain any necessary funding and manpower.

6. Assess the firmness of the State's commitments.

I hope that such a meeting can be held soon, preferably no later than mid-June. Would you discuss the meeting with Hawaii and try to set it up at the State's earliest convenience. If you so desire, I will have the headquarters representative come to the regional office a day or two early for a briefing on regional policies and goals with respect to Hawaii.

If you want to discuss this proposal further, please call me. I believe Hawaii presents one of those situations where we may be able to approve a program and substantially complete permit issuance by the end of this year if not by the end of September.


Richard H. Johnson